

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 2, 2007. The Examiner is thanked for the thorough examination of the present application. Upon entry of this response, claims 1-34 are pending in the present application. The drawings are objected to under 37 CFR 1.121(d). Claims 1-5, 7-12, 16-22, 24-29, 33, and 34 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Silberschatz et al.* ("Applied Operating System Concepts," 1st Edition, 2000; pages 36-37, 77-82, 95-113, 567-574, 706-708, 719-735, 751-758, hereinafter "*Silberschatz*"). Claims 6 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Silberschatz*. Claims 13-15 and 30-32 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Silberschatz* in view of Jaworski ("JAVA 1.1 Developer's Guide," 2nd Edition, 1997, pages 90-96). Applicant respectfully requests consideration of the following remarks contained herein.

I. Oath/Declaration

The Office Action alleges on page 2 that the oath/declaration is defective. Specifically, the Examiner states that the oath/declaration fails to state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Applicant respectfully disagrees and refers to the signed declaration (stamped August 18, 2004 by the OIPE) submitted in response to the Notice of Missing Parts. The signed declaration includes the following statement by the inventor:

"I [Mark Justin] believe that I am the original, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: . . . "

As such, Applicant believes that the declaration is in compliance with MPEP §§602.1, 602.2. Should the Examiner maintain that the declaration on record is deficient, Applicant respectfully request that the Examiner point out which the portions of the declaration are allegedly defective.

II. Drawings

The Office Action indicates that the drawings are objected to for failing to comply with 37 CFR 1.121(d) because the current drawings are not clear. The drawings, however, are sufficiently clear for examination purposes. Further, Applicant confirms that it will submit replacement drawings upon receiving an indication of allowability. Requiring Applicant to undergo the expense of the preparation of new drawings at this time, with no indication of allowable subject matter, imposes an undue expense on the Applicant..

III. Response to Claim Rejections Under 35 U.S.C. § 102

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102.

Claims 1-5, 7-12, 16-22, 24-29, 33, and 34 stand rejected under 35 U.S.C.

§102(b) as allegedly being anticipated by *Silberschatz*. For at least the reasons set forth below, Applicant traverses these rejections.

Independent Claim 1 is Patentable Over *Silberschatz*

Applicant respectfully submits that independent claim 1 patentably defines over *Silberschatz* for at least the reason that *Silberschatz* fails to disclose, teach or suggest the features emphasized below in claim 1.

Claim 1, as amended, recites (emphasis added):

1. A method for managing shared resources in a computer system, comprising:
 - establishing and registering a plurality of objects in response to requests from hardware or software associated with the computer system, the objects including at least one type, at least one attribute, and a handle;
 - establishing a plurality of message pool objects, wherein the plurality of message pool objects comprise pools of free messages that can be allocated;** and
 - manipulating the plurality of objects to effect processing and exchange of information.

Applicant has amended claim 1 to further define certain aspects of the claimed embodiment in claim 1 and submits that no new matter is added by the amendment. In particular, Applicant has amended claim 1 to further define the “message pool objects” so that claim 1 now recites: “wherein the plurality of message pool objects comprise pools of free messages that can be allocated.” Applicant respectfully submits that the *Silberschatz* reference fails to teach this feature. In alleging that *Silberschatz* teaches this feature (in rejecting dependent claim 2), the Office Action points to §4.5.2.2, par. 1 and §4.5.4 in the reference. Applicant has carefully reviewed those portions of the

Siberschatz reference and can find no teaching of the “message pool objects” feature recited in claim 1.

Siberschatz, §4.5.2.2 teaches that “messages are sent to and received from mailboxes, or ports. A mailbox can be viewed abstractly as an object into which messages can be placed by processes and from which messages can be removed.” (§4.5.2.2, par. 1). Siberschatz, §4.5.4 teaches that “[w]hether the communication is direct or indirect, messages exchanged by communicating processes reside in a temporary queue.” The Examiner apparently equates “message pool objects” to “mailboxes or ports” and “temporary queue” taught in the Siberschatz reference.

Those skilled in the art will appreciate that “mailboxes” (within the context of computing) are messaging queues used for inter-process communication or inter-thread communication within the same process. Furthermore, messages placed onto the queue are stored until the recipient retrieves them. Claim 1, on the other hand, recites “message pool objects,” and in particular, “message pool objects, wherein the plurality of message pool objects comprise pools of free messages that can be allocated.” Applicant respectfully submits that the mailboxes taught by Siberschatz are different from the message pool objects recited in claim 1. As such, Siberschatz fails to disclose, teach, or suggest “establishing a plurality of message pool objects, wherein the plurality of message pool objects comprise pools of free messages that can be allocated.”

Accordingly, Applicant respectfully submits that independent claim 1 patently defines over Siberschatz for at least the reason that Siberschatz fails to disclose, teach or suggest the highlighted features in claim 1 above.

Dependent Claims 2-17 are Patentable

Applicant submits that dependent claims 2-17 are allowable for at least the reason that these claims depend from an allowable independent claim. *See, e.g., In re Fine*, 837 F. 2d 1071 (Fed. Cir. 1988).

Independent Claim 18 is Patentable Over Silberschatz

Applicant respectfully submits that independent claim 18 patentably defines over *Silberschatz* for at least the reason that *Silberschatz* fails to disclose, teach or suggest the features emphasized below in claim 18.

Claim 18, as amended, recites (emphasis added):

18. A computer-readable medium incorporating one or more instructions for managing shared resources in a computer system, comprising:

one or more instructions for establishing and registering a plurality of objects in response to requests from hardware or software associated with the computer system, the objects including at least one type, at least one attribute, a handle; **one or more instructions for establishing a plurality of message pool objects, wherein the plurality of message pool objects comprise pools of free messages that can be allocated;** and

one or more instructions for manipulating the plurality of objects to effect processing and exchange of information.

On page 6, the Office Action apparently applies the same arguments used to reject claim 1 to reject claim 18. As indicated above, Applicant has amended claim 18 to further define the claimed embodiment in claim 18. In particular, claim 18 now recites, "one or more instructions for establishing a plurality of message pool objects, wherein the plurality of message pool objects comprise pools of free messages that can be allocated." Applicant respectfully submits that *Silberschatz* fails to teach this feature.

In rejecting claim 1 (and claim 18), the Office Action cited §4.5.2.2 and §4.5.4 from the Siberschatz reference. Siberschatz, §4.5.2.2 teaches that “messages are sent to and received from mailboxes, or ports. A mailbox can be viewed abstractly as an object into which messages can be placed by processes and from which messages can be removed.” (§4.5.2.2, par. 1). Siberschatz, §4.5.4 teaches that “[w]hether the communication is direct or indirect, messages exchanged by communicating processes reside in a temporary queue.” The Examiner apparently equates “message pool objects” to “mailboxes or ports” and “temporary queue” taught in the Siberschatz reference. However, Applicant submits that the mailboxes and temporary queue taught by Siberschatz are not equivalent to “message pool objects.” To further define the “message pool objects” recited in claim 1, claim 1 further recites, “wherein the plurality of message pool objects comprise pools of free messages that can be allocated.” Applicant respectfully submits that Siberschatz fails to teach these features.

Accordingly, Applicant respectfully submits that independent claim 18 patently defines over Siberschatz for at least the reason that Siberschatz fails to disclose, teach or suggest the highlighted features in claim 18 above.

Dependent Claims 19-34 are Patentable

Applicant submits that dependent claims 19-34 are allowable for at least the reason that these claims depend from an allowable independent claim. *See, e.g., In re Fine*, 837 F. 2d 1071 (Fed. Cir. 1988).

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 50-0835.

Respectfully submitted,

/Daniel R. McClure/

Daniel R. McClure
Reg. No. 38,962

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
100 Galleria Parkway NW
Suite 1750
Atlanta, Georgia 30339
(770) 933-9500